

MINUTES
SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Project and Lands Committee
Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406
Wednesday, September 12, 2007

Attendees:

Harkley Thornton, Chairman
Nicolas Gutierrez
Malcolm Wade

Shannon Estenoz, Vice Chair
Melissa Meeker

1. Call to Order

Chair Thornton called the meeting to order at 10:10 am. Chair Thornton recognized Congressman Tim Mahoney, 16th District, who was in the audience.

2. Agenda Changes/Additions/Deletions

There were no changes to the agenda. Item 6 was presented first.

3. Approval of minutes from last meeting held on August 8, 2007

Motion made by Nicolas Gutierrez, seconded by Shannon Estenoz, to approve the minutes with one correction. Vote called. Voting yes: Harkley Thornton, Shannon Estenoz, Nicolas Gutierrez, Melissa Meeker, and Malcolm Wade. Motion passed.

4. Land Acquisition – Ruth Clements, Director, Land Acquisition and Land Management Department

Ruth Clements, Director, Land Acquisition, and Land Management Department, provided information on the acquisition of Brady Ranch in Martin County. This item is going to the Board on 9/13/07.

Ms. Estenoz requested information on Grassy Islands.

Ken Ammon, Deputy Executive Director, Everglades Restoration, discussed the combination of treatment areas around this land acquisition.

There was clarification on the exchange of land with the county and the property owner, and the procedures to pay the real estate taxes.

5. Biscayne Bay Coastal Wetlands Project Objectives/Policy regarding land use within Project Areas – Kenneth G. Ammon, P.E., Deputy Executive Director, Everglades Restoration Resource Area

Mr. Ammon provided information on the objectives of this CERP/Acceler8 project and identified priorities within the project boundaries. Mr. Ammon reviewed the project objectives, and the alternatives for the restoration area. Mr. Ammon presented information on the critical restoration area that needs to be protected.

Staff recommendations are:

- Preservation and restoration of the identified Critical Restoration Area is necessary to achieve Biscayne Bay Coastal Wetlands Project objectives and is clearly in the public interest.
- Staff would recommend denial of Environmental Resource Permit applications within the Critical Restoration Area.

- Motion made by Nicolas Gutierrez, seconded by Malcolm Wade to adopt staff's recommendation. Vote called. Voting yes: Harkley Thornton, Shannon Estenoz, Nicolas Gutierrez, Melissa Meeker, and Malcolm Wade. Motion passed.

Chair Thornton said he will take this recommendation to the Board with the understanding the Board will be directing the Regulation staff to deny any permit applications in the Critical Restoration Area.

Chair Thornton was concerned about property rights within the non-critical area. He recommends to staff, in the non-critical areas, to work diligently so there isn't an inverse condemnation. If it cannot be worked out, staff needs to bring these permit applications back to the Committee.

Ms. Estenoz discussed that CERP is in the public interest and can impose additional criteria in the permitting process and should meet goals and objectives of CERP based on case law. Staff should bring the projects early in the process to the Committee for guidance.

6. Ten Mile Creek Update – George L. Horne, Deputy Executive Director, Operations & Maintenance

George Horne, Deputy Executive Director, Operations, & Maintenance provided information on the Ten Mile Creek Reservoir. Mr. Horne reported on the original design and cost of the reservoir and stated the project was designed and built by the U.S. Army Corps of Engineers (Corps).

Mr. Horne reported on the concerns of the Ten-Mile Creek which included numerous construction deficiencies (soil cement, seepage control needs \$1M in repairs, and mechanical and structural deficiencies). The reservoir also does not meet the current Dam Safety Standards (DCM2). Mr. Horne reported on the volume of the Ten Mile Creek project at 2104 per acre feet (38 percent of the design volume), the storage costs per acre feet, and the total cost of the project.

Mr. Horne reported the cost to repair the reservoir is an additional \$13M.

Mr. Horne requested from the Board guidance on the following issues:

- Do we ask the Corps for a schedule with full documentation and a work plan of when the deficiencies will be finished?
- Do we ignore the DCM2 standards and fill the reservoir to capacity?
- Do we comply with the DCM2 standards and if so, who takes the lead?
- Do we turn the project back to the Corps to do testing, monitoring, and certification?

Mr. Horne said there needs to be changes on how the District does business with the Corps, including having staff work with the Corps on changes and decisions in order to use the project as intended.

Public Comment: Allen Bugg, Chief of Construction & Operations, U.S. Army Corps of Engineers, Jacksonville, provided comments and said the Corps is committed to the successful completion and operation of the Ten Mile Creek Project. Most of the problems have been repaired. Mr. Bugg said they cannot spend another penny on the Ten Mile Creek project due to statutes. Mr. Bugg reported on the DCM2 standards which became effective in 2006 and said the District and the Corps need to work together to operate the reservoir safely. Public Safety is the number one priority. Mr. Bugg said he will look at the communication processes between the District and the Corps.

Ms. Meeker asked Mr. Bugg if the Corps was in charge of this reservoir now, would they fill it to capacity.

Mr. Bugg said there needs to be an in-depth study on the reservoir and said the Corps is committed to working with South Florida to see what needs to be done to fill the Ten Mile Creek reservoir and to make sure that it operates as it was designed and intended to do.

Ms. Estenoz requested information on as-builds and soil cement hydration. There was discussion on the engineering specifications and funding for the repairs of the reservoir. Ms. Estenoz asked if the contractor was responsible for any of the repairs.

Mr. Bugg said the contractor was not responsible for the repairs.

Mr. Gutierrez requested information on the contractor and what the contractor still owes on the project.

Mr. Bugg said the only outstanding issue from the contractor was a diesel spill at the project site.

Mr. Wade commented on the agreements with the Corps and the responsibilities of the contractor as well as the deficiency of the project. Mr. Wade said the project needs to be given back to the Corps to have these deficiencies repaired.

Ms. Meeker said this is a critical project with WRDA. There was discussion on funding and WRDA.

Mr. Bugg said if the WRDA bill passes, the cap for this project will be raised, and the Corps will be able to provide their 50 percent for this project.

Mr. Ammon provided background information on WRDA 1996, the seven critical projects and the funding caps for these projects. WRDA 2006 will increase the funding caps for these projects.

Ms. Estenoz requested information on the spillway.

Mr. Bugg provided additional information pertaining to the spillway.

Mr. Horne said if the District does not have all the information pertaining to the project, it should be turned back over to the Corps for testing.

Ms. Wehle provided information on the Ten Mile Creek project and said this project is a reservoir and a storm water treatment area (STA) and the STA also has issues.

Mr. Horne provided additional information on the STAs. He said the project should be turned over to the District only after it is certified by a professional engineer.

Congressman Mahoney said the environment and water is a priority for him. Congressman Mahoney questioned the accountability of this project. He is committed to WRDA and working on infrastructure issues. Congressman Mahoney questioned who made the decision to cut back the project by 30 percent to fit the budget. He thanked the District for their hard work and decisions that need to be made for this project.

- Motion made by Malcolm Wade, seconded by Nicolas Gutierrez, to accept staff's recommendation of giving the project back to the Corps, have the Corps assess the project and get back to the District with decisions of rectifying the problems. Also, the District will be involved with the certification process. Vote called. Voting yes: Harkley Thornton, Shannon Estenoz, Nicolas Gutierrez, Melissa Meeker, and Malcolm Wade. Motion passed.

Adjourn

Chair Thornton adjourned the meeting at 11:46 am.

Harkley Thornton
Chairman
Projects and Lands Committee

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD